



Andy shows off his tattoos.  
(Photo by Anthony Fontes.)

## GUATEMALA

# El Fish and the General

by Anthony Fontes

**A**ndy, aka El Fish, aka El Ripper, aka José Luis Cuéllar Velázquez, was a secret witness for the Guatemalan government in several high-profile murder trials against his old gang, the Mara Salvatrucha, until his former homies found and murdered him. The Mara Salvatrucha and its nemesis, Barrio 18, are the two dominant transnational gangs waging war across urban Central America. Their violent evolution in the post-Cold War era has made them a media spectacle and helped build public support for militarized responses to peacetime crime known as the *mano dura* (iron fist). Their rank and file are primarily children like Andy, who had just turned 18 when he died. In Guatemala, ex-general and current President Otto Pérez Molina based his entire 2011 campaign on combating what many Guatemalans consider out-of-control crime. Nearly a year into his presidency, Pérez Molina has struggled to fulfill his campaign promise to lower Guatemala's murder rate, which is among the highest in the world. Andy's life and death, the ease with which his gang committed spectacular murder, and his government's inability to protect him, demonstrate the deeply rooted, complex obstacles facing the ex-general in his war on peacetime crime.

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September 26, 2011

One month before Pérez Molina wins the presidency

“¡*Mano dura, cabeza y corazón!*”—“Iron fist, head and heart!” goes the sing-song campaign jingle over the taxi's radio. Pérez Molina's campaign message is simple: “I am,” he tells voters, “your best chance for security.” His message works powerfully in a year in which the country's homicide rate is 41 per 100,000, eight times that of the United States and 50 times greater than in Germany. Pérez Molina rarely speaks of his military career fighting in the civil war's most violent epoch, when he commanded troops operating in the western *altiplano*, the conflict's bloodiest theatre. But the voters know it, and the majority hope he will be the iron-fisted general that he makes himself out to be. My taxi driver shares this opinion.

“Being a military man, maybe he can put things back in order, at least a little, so that the violence goes down,” he says, “because right now, man, it's really bad. In the last four years, crime has gone way up. Before, there was no extortion. Nothing. Now you can't even start a little business, 'cuz the gangs will start bothering you. You can't start anything.”

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While narcotrafficking may be the United States' biggest concern and the most talked-about criminal threat internationally, for the average Guatemalan it matters much less than the insecurity of everyday crime. Cell phone robbery, car-jacking, and extortion plague urban life. For many Guatemalans, extortion, in which gangs and other criminal groups use the threat of violence to extract payments from urban transport companies, small businesses, and families, is considered especially parasitical. As Isabel Aguilar of Interpeace, a global anti-violence nongovernmental organization, said, “Extortion is seen as a permanent thing, even worse than immediate bodily violence. It leaves one without hope. Why are you going to work if they're going to take away the little you earn?”

And it isn't simply the brute quantity of crime or how it saps economic hopes that has undermined Guatemalans' faith in a democratic system of justice, it is also its intense and public nature.

Case in point — back in 2010, El Diabólico, a maximum leader of the Mara Salvatrucha doing time in El Boquerón, a maximum-security prison housing only active members of the Mara, ordered operatives on the street to decapitate five people. Why? Prison authorities had failed to re-institute privileges rescinded in the preceding months, and the Mara wanted to send a message. The leaders of the biggest gangs or *clikas* in the metropolitan area met at a local waterpark and coordinated the mission. Each clika was to provide a head. They chose their victims randomly, profiling only for vulnerability. The victims had no relationship whatsoever to either 18<sup>th</sup> Street or the Mara Salvatrucha. The assassins wanted to keep their message pure and untrammelled by gang rivalries: after all, it's relatively

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Photo by Anthony Fantes.

Otto Pérez Molina on election day.

easy for the general population to dismiss gangster cadavers. But random victims strike fear, because they could be you.

In the end, they only managed to kill four — one *clika* failed and was subsequently punished by the others. After decapitating the four victims, the *clikas* placed the heads at various public locations around the city in the early morning: one in front of a popular shopping mall, one at the entrance to the Congressional building, one at a busy commuter exit, and the last in a poor urban neighborhood. With each head, they left a note addressing the government. “This is happening because of all the mistreatment and injustice that exist in the prisons of this country. If you do not pay more attention to this mistreatment, we will hold the Ministry of Government and the penitentiary system responsible for what happens going forward because of their abuses of authority.” Media outlets across the country flocked to publicize the grisly affair, amping up the gang’s publicity across the region and beyond.

For nearly two years, the crimes remained unsolved. Gangs are notoriously difficult to infiltrate, according

to many experts, and the Guatemalan authorities have very little experience in undercover operations. Then, in a raid in Zone 5 of the capital, investigators picked up Andy. He had left the Mara a year earlier to escape retribution for accusing his gang leader of snorting cocaine, which is prohibited by internal codes of conduct. In an effort to save his own life and, he claimed, to take vengeance against the Mara Salvatrucha for killing his family, Andy agreed to give state’s evidence in the case of the four heads.

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June 10, 2012

*Special hearing in the Tower of Justice, Guatemala City*

Before a judge and a small army of prosecutors, Andy gives a blow-by-blow description of how his *clika* hunted their victim.

“The two cars left from La Paz and went to Alyoto. They wanted to pick up this one guy, but they couldn’t because a patrol came. Since the *vatos* only carried



9 millimeters, they didn't want a shootout with the police... So they went to La Riqueta. In Riqueta, they hit a guy with the car and acted like they were gonna take him to a hospital, but the vato didn't want to get in the car, and another patrol arrived. From there, they went to La Primavera, and there, they found nothing. And the vatos were pissed. And from there, they went to La Frutal where I heard El Pensador, the leader of my clika, say, 'Look at that dude...' They put a cloth and a bag over his head so he wouldn't have a clue where he went."

For two hours, Andy keeps the court spellbound, as he recounts the crime in frightening detail. He remains calm and collected throughout, as if he were engaged in a casual conversation over beers with friends.

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With Andy's help, government investigators broke the case open, arrested several Mara Salvatrucha leaders, and managed to take apart, at least temporarily, one of the most powerful MS clikas in the country.

The novelty that Andy presented for experienced prosecutors shows how far the Guatemalan justice system

[Mara Salvatrucha graffiti, Guatemala City.](#)

has to go in order to face down the multiple criminal threats preying on society. First of all, negotiating with alleged criminals who might give evidence against their higher-ups — a strategy that is well-established in the United States and throughout much of Latin America — is relatively new here. "Giving criminals a favor for cooperating has never been in our culture," said a prosecutor who chose to remain anonymous. "We are used to punishing only. It is a foreign idea." Over the last two years, the Public Ministry has been trying to train their 5,000-plus investigative attorneys in key pieces of law like that which was supposed to protect Andy. They have a long way to go.

With his intimate knowledge of the gang's structure, safe-house locations, and buried victims, Andy was helping investigators prepare for dozens of operations. But he was kicked out of the Public Ministry's witness protection program and died a week after gaining the judicial immunity he had been promised. During the course of the investigation, he and three compatriots who had been "gang associates" — known as *paros* in gang vernacular — but not bona fide homies, were locked in

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Photo by Anthony Fontes.





Photo by Anthony Fontes.

The “Hands of Peace” Fountain commemorating the signing of peace accords in 1996 lies just outside the Palace of Justice in Guatemala City.

a room for three days without food. The stipend money Andy was supposed to receive never materialized. When they complained, no one listened, and when they complained more loudly, they were kicked out of the witness protection program. When I met him, Andy was still spending a few days a week with investigators at the Public Ministry who had taken him under their wing. Meanwhile, he had thrown in with the Little Psycho Criminals of Barrio 18, MS’s arch rival. He thought they might give him protection, since the government had not. Rodrigo, Andy’s prosecutor friend, lamented after his death: “He hadn’t even begun to give us 1 percent of what he knew. We had such plans...” As he spoke, he held up a sheaf of papers and waved them in my face. “These are applications to get Andy back into the witness protection program. All rejected.”

The problem of witness cooperation goes well beyond a ramshackle witness protection program. I spoke with Edwin Marroquín, the lead prosecutor in the decapitations case, in a Pollo Campero, Guatemala’s most popular fast-food chain. Over fried chicken, he told me that the most intransigent problem facing efforts to fight crime is that the majority of Guatemalans are afraid to report crimes to the police. The authorities

are unable to respond to violent crime, because they don’t even hear about it until a body shows up. Some commentators attribute this “culture of silence” to the residual effects of civil-war-era state terror. Whatever the antecedents, there is a very reasonable immediate rational for maintaining silence. Why report a crime to the police if they aren’t likely to show up and if doing so invites revenge from the culprits, who have less than a 2-percent chance of being brought to justice anyway? It simply isn’t worth the risk.

Other deep, systemic obstacles to effective crime-fighting abound: a justice system — from the National Civil Police to the public ministry to the prisons — rotted by narco-fueled corruption; underpaid, undereducated, and overworked prosecutors and judges; and multiple criminal threats that evolve faster than the authorities can hope to keep up with.

Given these enormous difficulties, the populist appeal of heavy-handed military strikes has a certain pragmatic logic. But for some experienced crime-fighters, it is a useless façade. In August 2012, I spoke with Police Commander Eduardo Orozco of the National Civil Police. He heads the Model Police Station in Villanueva, a sprawling metropolis bordering the country’s capital.

With special funding from the U.S. embassy, his office is seen by higher-ups as an island of honesty in an archipelago of corruption. He also coordinates the joint army-police operations against narco-traffickers in the country's northern jungle. The army, according to Orozco, is quite useless for fighting street crime. Constitutionally, they are not allowed to intervene against citizens, unless the president declares a state of emergency and imposes martial law. Otherwise, they can only be "puppets with guns," creating a presence but not doing much more than that. The only way to fight street gangs and other increasingly organized crime syndicates, he argued, is by taking them apart one by one.

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*May 24, 2012*

*McDonald's, Zone 5, Guatemala City*

Over burgers and fries, while middle-class adults eye Andy nervously and their children shriek in the ballpit, he tells me why he is doing his bit to take apart the Mara Salvatrucha — the gang that murdered his family and made him into a killer.

"I'll explain it this way — I'm 17, almost 18 now. When I'm 30 and the FBI comes here to Guatemala, I'm going to know all about both gangs. I'll have information on everyone. So when they come, FOM! I'll help them get rid of all this. That's my game. Still infiltrating, finding out where the guns come from, all that. When the real good guys get here, I'll give them a hand, and we'll hit 'em with everything... For now, I'll help the government kill the Mara Salvatrucha. Kill those sons of bitches who don't give a shit about killing innocent people. Those guys

don't care dick about killing little kids. I don't go for that kind of thing. How can you take the life of a little kid?"

But then he shakes his head and his shoulders slump as if he were deeply, deeply tired.

"Anyway, I don't give a shit. I'm already dead. I lose nothing. When my time comes, they better come at me from behind, because if not..."

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*Andy lies dead, June 2012.*

Three weeks later, they shot Andy — five bullets to the back of the head.

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Photo by Anthony Fontes.